

Together With



FALL 2005

A PUBLICATION OF THE TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

TOSHA Annual Report

Since June 30, 2004, TOSHA safety and health compliance officers conducted 2,054 inspections and identified 7,653 hazards. More than \$2 million dollars in civil penalties were assessed to employers in Tennessee for failure to comply with TOSHA standards and regulations. The violations of TOSHA's standards for which the highest civil penalties were assessed involved 29 CFR 1910.120, Hazardous Waste and Emergency Response, and 29 CFR 1910.212, Machine Guarding.

Even though a lot of violations were cited, help was available. TOSHA consultants conducted 349 visits, identified 3,668 hazards, and, according to law, assessed no civil penalties. TOSHA trainers spent 575 hours training almost nine thousand people at 367 training sessions

across the state. Over the past year the senior management staff at TOSHA has remained the same as last year. There are 42 occupational safety specialists and 30 industrial hygienists helping protect more than 2,600,000 workers in the public and private sectors in Tennessee.

The TOSHA Advisory Committee and the Tennessee Occupational Safety and Health Review Commission have both been active. Bob Walker, Health, Safety and Industrial Hygiene Director with Bridgestone Americas

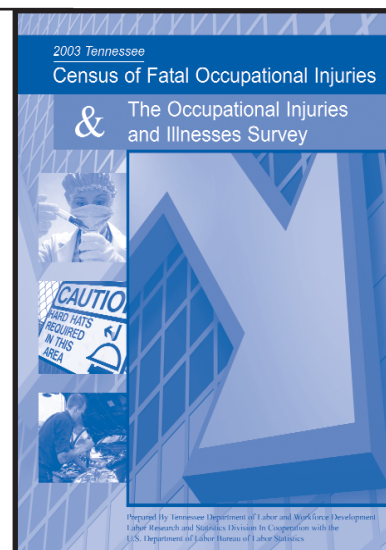
Holding Inc., was recently appointed to the Advisory Committee. The Review Commission has a new chairman in J. Russell Farrar, a Nashville attorney. The West Tennessee member of the Commission is Marsha

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Injury and Illness Survey for 2003

In the last edition of this newsletter, it was reported that the 2002 *Tennessee Census of Fatal Occupational Injuries and the Occupational Injuries and Illnesses Survey* was available. It so happens that the 2003 version of that publication has just been published. Some features of the new publication are graphs and tables showing the percent distribution of fatal occupational injuries by industry, the number of occupational fatalities by age group, the percent distribution by race, gender, and by event or exposure. Also reported are the Tennessee counties with the highest number of fatal occupational injuries, the number of fatalities by month of death, and the occupations with the largest numbers of worker fatalities. The book also gives extensive information on incidence rates for nonfatal occupational injuries and illnesses in Tennessee. The report is free and a copy of the complete report can be obtained by calling the Tennessee Department of Labor and Workforce Development's Division of Research and Statistics at 615-741-1748.



TOSHA Annual Report CONTINUED

Vaughn from Jackson and the East Tennessee member is James Cunningham from Chattanooga. The Review Commission meets each month to hold hearings on TOSHA's contested cases.

TOSHA's Volunteer STAR (VPP) program currently has 21 sites enrolled and the SHARP program for small business has nine members. During the year 15 companies received recognition by receiving either the Governor's Award or the Commissioner's Award for achieving the required number of hours worked without experiencing a lost workday or restricted duty/job transfer case at their establishments.

Special emphasis programs on excavation safety, fall protection, carbon monoxide, occupational noise, and amputations were effective during the time frame and will continue to be part of TOSHA's inspection strategy.

Targeting initiatives for the construction and metal working industries, as well as nursing homes, were active and will also continue. The targeting initiative for methylene chloride has been completed and will be replaced with an initiative for sharps injury reduction in hospitals beginning October 1, 2005.

There were no changes to the TOSHA Act. The window remains open until July 1, 2006, for public entities to join TOSHA's Public Sector Program. Eligible Public Sector entities include city and county governments, public utilities, school districts, and other public government agencies. For information about TOSHA's Public Sector, contact Ron Rich, Public Sector Manager, at 1-800-249-8510. Federal OSHA has several standards at the final rule stage, including a revision of the electrical standards in general industry, but no immediate action seems likely.

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Together with TOSHA is the newsletter of the Division of Occupational Safety and Health.

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Test Yourself



Topic: Amputations

Power transmission parts must be guarded:

- A. Except from the backside
- B. When within employee contact or seven feet or less from the floor or platform
- C. With the exception of gears, sprockets, and chain drives
- D. All of the above

Answer B - Per 29 CFR 1910.219

Success Story ONE SMALL STEP

As part of TOSHA's special emphasis program on occupational noise, a TOSHA industrial hygienist accomplished a noise reduction for employees at a company he visited through the effective use of hearing protection. Three employees whose exposures ranged from 89 to 92 decibels as eight-hour time weighted averages were observed wearing hearing protection incorrectly and ineffectively. After bringing this to the attention of management, when the industrial hygienist returned on the second inspection day, all employees had been retrained and were wearing the hearing protection effectively. Noise reductions ranging from 9 to 13 decibels were achieved.

Hearing protection will not protect the hearing if not worn properly. Over time, compliance with wearing the protection properly may erode because people think that noise is no threat to them or feel that wearing the protection is too much trouble. In order to have an effective hearing protection program, the employer must be continuously vigilant in ensuring that overexposed employees wear the protection correctly and that the protection has a sufficient noise reduction rating.

There are a number of requirements in TOSHA regulations that require posting of information in the workplace. These required postings include the TOSHA notice, citations, notice of informal conference, and the OSHA 300A form.

Each employer must post, at a prominent location within the workplace, the TOSHA "It's the Law" poster. This poster informs employees of their rights and responsibilities with regard to TOSHA. The TOSHA poster must be posted, not the Federal OSHA poster or a poster from any other state. The poster is free from any TOSHA office or may be printed from the TOSHA Web site. The poster is also available from those sources in Spanish. If the employer does not display the notice, a non-serious citation may be issued. An unadjusted civil penalty of \$1,000 may be proposed.

Upon receipt of any citations issued by TOSHA, the employer must immediately post the citation at or near each place an alleged violation occurred.

The citation must remain posted until the violation has been abated, or for three working days, whichever is longer. Contestment of the citation does not affect the posting responsibility. If a citation is not posted, an unadjusted civil penalty of \$3,000 may be assessed.

Whenever an informal conference is requested by the employer, affected employees, or employee representatives, must be afforded the opportunity to participate. The employer who requests an informal conference must post a notice to employees of the informal conference 24 hours prior to the meeting. A copy of the notice must be provided to TOSHA at the informal conference.

According to the TOSHA recordkeeping rule, the OSHA 300A form, the summary of work-related injuries and illnesses must be posted from February 1 through April 30 in the year following the year the log covers. Failure to post the log may result in a civil penalty of \$1,000.

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Condition: An open-sided floor or platform four feet or more above the adjacent floor or ground level was not guarded by a standard railing (or equivalent). In addition toeboards were not provided. Toeboards are required where people could pass beneath the platform, the platform is above moving machinery, or the platform is above equipment where falling objects could create a hazard.

Potential Effects: Sprains, strains, contusions and fractures, from falls and falling objects.

Standard: 29 CFR 1910.23(c)(1)

Recommended Action: Install a standard railing. A standard railing consists of a top rail, intermediate rail, and posts, and has a vertical height of 42 inches from the upper surface of the top rail to the floor. The completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail. Alternatively, use of and employee access to the platform could be eliminated.

In addition, install toeboards to prevent head and other injuries, especially bruises, gashes, and punctures, from falling tools or materials. A standard toeboard is four inches vertically from its top edge to the floor (or other surface) it guards, which may include no more than 1/4" clearance above floor level. It must be securely fastened in place. It may be made of any substantial material either solid or with openings not more than one inch in greatest dimension.

Where material is piled so high that a standard toeboard does not provide protection, 29 CFR 1910.23(e)(4) requires that paneling be provided from the floor to the intermediate or top rail of the standard railing.

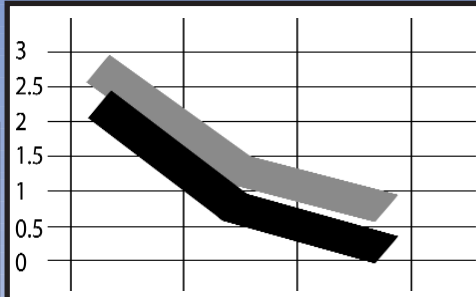
LEARN & LIVE

ON-SITE CONSULTATIVE SERVICES PROBLEM SOLVER

During a TOSHA compliance inspection, employees who were engaged in packaging powdered chemicals from large drums to small packages for consumer use were overexposed to chlorine. The employer was issued citations requiring the use of administrative and/or engineering controls to reduce the exposure below the Permissible Exposure Limit of 0.5 ppm. The employer agreed to work with TOSHA Consultative Services for abatement.

Both gas and dust exposures were a concern as environmental humidity caused the release of chlorine gas from any "fugitive" dust. The employer modified the bagging lines into a completely enclosed gravity feed system with dust collectors and employee exposures were reduced in these areas to below the TOSHA limits. However, one area where employees manually emptied paper drums of product into totes required additional controls. Personal sampling and direct reading area sampling for this job showed that spilled product was still contributing to excessive chlorine exposure levels.

Aggressive cleaning operations were implemented by the employer and total exposure to the tote filler was reduced to below the TOSHA limits.



Lessons learned from this activity:

1. Effective training and housekeeping can help reduce employee exposure to fugitive contaminants in the workplace.
2. TOSHA Consultative Services can be an effective part of a TOSHA Enforcement abatement activity.

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